

24
THE
C A S E
OF
THOMAS SPENCE,
BOOKSELLER,
THE CORNER OF
CHANCERY-LANE, LONDON;

Who was committed to
CLERKENWELL PRISON,
On MONDAY the 10th of DECEMBER, 1792,
For Selling the Second Part of

Paine's Rights of Man:
And a BILL of INDICTMENT found against
him.

To which is added an extract of a Letter from
His Grace the Duke of Richmond,
To the Chairman of the Committee of the County of
Suffex, convened at Lewis, January 18, 1783, for
the Purpose of presenting a Petition to the House of
Commons, to take into consideration the unequal State
of Representation in Parliament, &c.

[PRICE THREE-PENCE.]

1792.

144



46

417 9

THE
C A S E
OF
THOMAS SPENGE, &c.

THE annals of prosecutions do not present to the world a more extraordinary case than that of the unfortunate man who is the subject of the following pages. It is not, however, for us, in the present stage of this business, to declaim either against the laws of the British empire, or the persons to whom those laws are entrusted. An innocent man has nothing to fear from the scourge of truth—'tis the guilty only that need tremble at investigation. The notorious character, of whatever species, pleasingly exults in the obscurity of his depraved actions—but when the keen eye of discovery penetrates his horrid mansion, he would cheerfully give a thousand worlds to escape enquiry: It may be well for individuals, both of high and low degree, to mark these observations.

Not to detain the reader with a long introduction, we shall take the liberty of prefacing this narrative with a fictitious one, where the scenes might have occurred in another country, and leave Englishmen to make what comments they please. Suppose then the following occurrences in Sweden or any other country, under whatever governments your own minds may conceive.

It is presumed the laws of every government is very explicit, particularly with respect to transgressions and punishments; this has been the boast of Britons, and we shall think but little of France, till she has, by intrinsic

merit, acquired that degree of eminence. In Sweden, however, we suppose that a certain publication of exclamation and declamation were sent into the world (such as Mr. Burke's for instance) violently condemning the principles of the British Revolution in 1688, and consigning the abettors of that Revolution to destruction; that another person, of opposite political principles, were hardy enough to attack the bold declaimer; and while justifying such a Revolution, was to make some very severe and pointed strictures on the government of Sweden. Suppose then the legislature of Sweden finding the last writer had exposed some of their malpractices, and were to be fearful the contagion would spread, whereby they might be deprived of their noble feasting, &c. &c.—in consequence of which they determined to institute an action against their bold competitor, in order to try the merits of the work, and, if possible, to condemn it by due course of law;—suppose they were to take advantage, by proclamations, &c. and prosecute poor individuals who might be found selling the intended proscribed work, before it was actually proscribed by a fair and regular trial.—would not the indignation of every English spectator be raised at the littleness, the meanness, the wretchedness, of the Swedish legislators, who dared to violate the rights of man in so flagrant a manner? Oh Albion, how great are thy superior privileges!

Immediately on the institution of a celebrated Society at the Crown and Anchor, for preserving places and pensions, Mr. Spence, being a poor man, and less likely to oppose the lordly menaces of violent Aristocracy, was repeatedly surrounded, insulted, and even threatened with his life, and the destruction of his little all, if he did not give up part of his bread, and decline selling the Rights of Man, and other political tracts. The eagerness of the public mind for political investigation, almost rendered it useless for him to keep any other articles; and therefore, to a poor man, it was indeed a very serious sacrifice, unless they had threatened him likewise

likewise with an ample compensation. Indeed their conduct was contemptible, for no one of the opposite party ever offered him the most modest reproach for selling even *Mr. Burke's* pamphlets! It may be observed, that Mr. Spence, being so exposed, with only a stall in the open street, these petty beings, thought they might presume on his unprotected situation. Even a pious Rector had the audacity to attack the defenceless man, and endeavoured to avail himself of the natural influence of his profession over the landlord, by urging him to turn Mr. Spence out of the stall. Oh, Depravity, where is thy blush!

On Thursday morning, Dec. 6, 1792, two runners, at the instance of a Mr. Reeves *, came to T. Spence's stall, and bought, by mistake, Spence's *Rights of Man*, instead of Paine's *Rights of Man*. Immediately on which they took him, with their usual ceremony, before the civil magistrate at the police office in Hatton Garden, and laid their information against him. To the honour of the magistrate, however, he declined committing Mr. Spence, as he could find no statute to justify him in it. Mr. Spence told him in his defence, that he might as well commit every one who sold *Gulliver's Travels*, *More's Eutopia*, *Lock on Government*, *Pufendorf on the Law of Nature*, &c. &c. all of which treated the subject of Government in a manner vastly opposite to the British system. Here, however, we must observe, that no compensation was made to Mr. Spence for tearing him, like a criminal, from his business, &c. &c.

Monday, the 10th of December, between two and three o'clock, two of the Bow-street runners came to Mr. Spence, and purchased Paine's *Rights of Man*; after which,

* One of the runners has since called on Mr. Spence and informed him that it was by the desire of Mr. Chairman R—'s, that he took him up, and confessed that he was heartily tired of such business;—that Mr. R. had never the generosity to pay him for the book which he ordered him to purchase for the official information. We leave the chief political inquisitor of England to these serene enjoyments which his newly assumed character so admirably inspires.

in the most unprecedented manner, without even shewing the least authority, they obliged him to put up the shutters of his stall, and hustled him into an hackney-coach, which they ordered to be driven to Bow-street. During the bustle and the journey, Mr. Spence, feeling, very properly, the indignity offered both to law and justice by these proceedings, remonstrated with the prostituted ruffians, and modestly asked them whether he was to consider himself in Spain, Turkey, Algiers, or England? It appeared to him as though he were enchanted to one of the most despotic spots in the universe. Never perhaps were the rights of citizens so shamefully invaded as in this instance; nor shall we wonder if the complaints of individuals in this respect should drive them to acts of desperation—may the great God however avert such a catastrophe!

When the unfortunate prisoner arrived at Bow-street, the magistrate was at dinner; of course the victim of despotism was carried to a public house near the office, where he was safely guarded, at least three hours, till his worship had finished his repast. In this blessed mansion the runners, by what authority can hardly be guessed, (unless their honourable profession warranted it,) searched Mr. Spence's pockets, and even took from him his pocket book, papers and memorandums relating to his business, &c. which they have never yet returned. The pocket-book contained extracts from Locke, Puffendorf, Swift, Pope, and even the 25th chapter of the book of Leviticus, all of which related to government, and may, according to the present system of proceedings, be equally termed libellous. Perhaps since the days of bloody Queen Mary have no prisoner, under the same circumstances, been treated in so violent a manner as Mr. Spence was during his stay in the public house. Will it be credited that a man, assuming the air of a gentleman, could wantonly insult even the most guilty felon; and yet it is a fact, that a person of such a description seized Mr. Spence by the throat, and had not fear prevented, would willingly have strangled him—uttering the most horrid imprecations that he was not warranted in carrying his inveterate

inveterate malice to such an extreme. Well, indeed, might Mr. Spence exclaim, What country am I in! Nature shudders at the relation of instances of such depravity in the human race; and those despicable characters scarcely deserve the epithet of *human*, much less the animating title of Britons! It surely will hardly be credited hereafter that these are the actions of the eighteenth century! Better for Englishmen openly to request a Bastille—they would then at least be on their guard. In the present instance they have been grossly misled into the violation of laws which they have understood were never promulgated, and are treated as traitors for crimes they never dreamt of. The book had not been condemned by a legal process, and they had always been taught that no crime attached itself to selling any publication till it was thus legally proscribed. Is not this the language of almost every person both in the House of Commons and out of it?

It is folly—it is madness for men in these days idly to chatter about their darling hobby horse—*Liberty*. A great part of them in the midst of such childish exclamations are positively endeavouring to *outrun* each other; and by *nick-named* loyalty *eagerly* striving which shall sacrifice his *dearest* interest, and the interest of his posterity to the *most inflexible despotism* that *ever* disgraced the world. (These observations cannot apply to Englishmen.)

We must now direct the reader's attention to the transactions in the Public Office. After the usual technical formula Mr. Spence requested his worship to inform him by what authority his journeymen were justified in their proceedings? With all the sagacity which the nature of the case inspired, his worship adverted to the Royal Proclamations, and even to the opinion of the Grand Jury. Mr. Spence was naturally led to doubt either the validity of indefinite Proclamations, or the legality of the opinion of the Grand Jury, in justification of arbitrary proceedings, previous to a public trial. However, agreeable to the natural order of things, the prisoner being the weakest party, was obliged to submit.—To the honor, or rather to the disgrace, of the mercenary attendants

ants of Public Offices, Mr. Spence was assailed by a considerable party with threats and violent pushes, that even the American Indians would have thought a disgrace to their savage manners. With all the deliberation and coolness so characteristic of a blood-thirsty crew, the instruments of this extraordinary business delivered an exaggerated evidence, fearing perhaps, they should be deprived of their emoluments by the prisoner's escape. When will man reflect and consider the true dignity of the human species, by acting conformable to his judgment, and despising every thing that may impeach his integrity ! This will apply from the highest character in states through every gradation, civil and official, down to the common hangman. With a very ill grace then does it become the implements of abuses to strain every nerve both of violence and injustice, for securing to themselves the wretched enjoyment of places, which in their own consciences they hold contemptible.

The runners (will it be credited ?) had the consummate impudence to threaten this unfortunate man with leading him through the streets heavy ironed, if he would not submit to pay the hire of a coach to Clerkenwell Prison ; nay, they had the audacity to bring forth irons for the purpose. Mr. Spence, however, with that dignity which conscious innocence naturally inspires, spurned the monsters and their threats, and told them he would rather submit to be led like a felon, than suffer such an imposition. At length they consented to conduct him to goal without those unnecessary implements, where he arrived about eleven o'clock at night. Here Mr. Spence was ushered in with the usual salutations of the collegiate officers, which consisted of the most abusive menaces and illiberal treatment that their ingenuity could possibly invent. He was asked whether he chose to have a bed ; and upon answering in the affirmative, an immediate demand of one shilling was made by one of the turnkeys for that indulgence—he had likewise one penny to pay for the use of a candle, which the turnkey held in his hand ; nor did the wretch allow him time to take off his cloaths before he locked him up in a solitary

litary cell.—The bed was so immoderately damp as to oblige him to lay down in his cloaths, and in the morning he found himself so poorly as led him to fear the consequences.

In the morning Mr. Spence was taken from his forlorn dungeon, and sent down into the yard among the most common felons, where he was accosted by the miserable collegians in their usual stile.

The poor wretches always rejoice to see strangers introduced, as it is customary for them to apply to every New Prisoner for *garnish*, either that they may allay the cravings of hunger, or drown the recollection of their unhappy situations in liquor. To add to his misfortunes, Mr. Spence was obliged to comply with all their demands, or be denied the privilege of citizenship even among them; and it cost him in goal fees, garnish, &c. in the course of thirty hours, previous to being liberated by bail, one pound four shillings, which to a poor man is a great sum.

During the absence of Mr. Spence from his stall, some mischievous person or persons (perhaps delegated from the *usual source*) had the impudence to write three separate papers and stick them on his shutters, purporting, "That the owner was confined in gaol for selling seditious books; and they hoped it would be a warning to others."

The Public need only be informed that the Grand Jury, afterwards found a true Bill of Indictment against Mr. Spence, and it remains for him now to await a judicial decision.

To enumerate the numerous persecutions which Mr. Spence has endured previous to the foregoing Process; and since, would take more time than the Editor could well spare.

One instance, however, it would be almost unpardonable to pass over unnoticed. On Thursday the 13th of December, the day his Majesty opened the present session of parliament, a gentleman, or one who aimed to be thought so, came to Mr. Spence's stall, and, seeing a young man with the first part of Paine's Rights of Man in his hand

hand (which by the bye has never been even disputed by the Attorney-General), seized the book, and in a curious (alias Grub-street) dialect, abused Mr. Spence, hustled him about, tore his shirt, and dragged him to an adjoining shop, where, joined by more of his *brutal fraternity*, he robbed the poor man of two other books. One of the villains hastened to the Police Office to fetch some runners, while the others guarded the persecuted man, uttering violent threats, savage menaces, &c. &c. The spectators, however, to their honour be it mentioned, observing the lengths the ruffians would carry their infamous conduct, calmly interfered and rescued the prisoner from the hands of the most *diabolical* and *lawless banditti* that ever threatened the peace of the metropolis. Perhaps these were some of the *immaculate* members of a certain *inquisitorial Society*; at least they must be sanctioned by a dark and mysterious group, not less diabolical than themselves.

REFLECTIONS.

The present æra seems as a dream, one can scarcely credit the transactions of every preceding day. *Truth* is a libel, and *falsehood* is a libel—how then to steer between the two extremes, requires the sagacity of a knave, or the duplicity of a hypocrite. To what a situation is the intellects of man reduced! Were it possible to deprive the numerous hoards of mankind (with very few exceptions) of their rational faculties—to divest them of thinking—to restrain them from speaking—to draw a veil over their occult powers—and cancel their sensibility; it would be perfectly conformable with prevailing politics to attempt the experiment. Infatuation and ignorance—depravity and corruption—violence and intrigue, seem united against the progress of knowledge, and the interest of society. The world, however, has ever been governed by fluctuations, and what one age or one description of beings have estimated as blessings, succeeding ages or a different description of beings have estimated as curses. Perhaps some degree of propriety has

has attached itself to each party, and rational minds have only been able to contemplate the consequences, without the power of affording any alleviation to the victims of contention. But may we not anticipate a better age, and a superior degree of civilization; when society will be united under one interest, and man be no more the dupe of faction—when peace will spread her genial wings and leave the human mind to the enjoyment of those blessings which nature has so bountifully bestowed, when industry will be relieved from the almost insurmountable fetters of the present hour, and the only barrier to civil enjoyments will be those of vicious inclinations.

A review of the numerous characters of Europe, who, with minds that would do honour to the higher ranks, but from the largeness of their families, and political circumstances are bowed down with poverty and oppression, will fully justify the feeling mind in ardently panting for so glorious an æra.

On Monday the 24th of December, Mr. Spence received the following notice from his landlord by the hands of the landlord's daughter.

“ Mr. Thomas Spence,

“ I hereby give you notice to quit and leave the book stall you hold of me at the corner of Chancery-lane, in the county of Middlesex, at Lady-day next. Dated this 24th day of December 1792.

“ John Harrington.

“ Witness Mary Harrington.

The young woman remarked to Mr. Spence, on delivering the above, that several of her father's customers had threatened to withdraw their favours and interest, if he suffered Mr. S. to continue on the premises.—

What consolation they can derive from being the means of depriving an honest man of his livelihood, would exceedingly puzzle a generous mind to discover. We may, however, fairly hope that the party who so strongly have supported the efforts of despotism, will impartially reconsider their conduct; and we doubt not but they will find occasion sufficient to blush, and be sorry at the consequences that must inevitably follow their exertions.

DUKE OF RICHMOND

Extract of a letter from His Grace the DUKE of RICHMOND, to the Chairman of a Meeting of the County of Sussex, convened at Lewes, January 18, 1793, for the purpose of presenting a petition to the House of Commons, to take into consideration the unequal state of Representation in Parliament.

“ Whitehall, January 17, 1783.

“ SIR,

“ YOU may easily believe, that being one of those who joined in requesting you to call a county meeting, nothing but illness can prevent me attending it, and it is with infinite regret I submit to the decision of my physicians, who pronounce, that it is not safe for me to leave London.

“ I trust that my sentiments on the subject of *Parliamentary Reform*, are, in general, sufficiently known, and that, without further assurances, I might be depended upon for giving it every support in my power; but some circumstances make me wish to state them as briefly as possible to the county of Sussex. They are formed on the experience of twenty-six years, which, whether in or out of government, has equally convinced me, that the *Restoration of a genuine House of Commons*, by a *renovation of the Rights of the People*, is the only essential remedy against that *system of corruption* which has brought the nation to disgrace and poverty, and threatens it with the *loss of Liberty*.

“ I take the grievance of the present state of election to be its *gross inequality*. All the electors in Great-Britain do not amount to *one-sixth* part of the whole people and a still greater inequality subsists in elections made by that sixth part; for *one-seventh* part of them elect a majority, so that *one-forty-second* part of the nation dispose of the *property of the whole*, and have their *lives and liberties at command*. And this forty-second part, far from consisting of the most opulent part of the kingdom, is composed of the small boroughs, most of which are become either the private property of individuals, or are

noto-

notoriously sold to the best bidder: so that counties and great cities are, in fact, as well as the great mass of the people swallowed up by this *system of corruption*.

"My ideas of reform undoubtedly go to one that shall be *complete and general throughout the kingdom*. I see such fatal consequences arise from the present partial and accidental state of election, that I cannot take upon me to propose any new mode that partakes of the same defects. If we do not differ from the *abettors of corruption* upon the broad principle of inequality in election, and the *universal right of the people to be represented*, and are contending only for a degree of partiality, more or less, I fear our ground is not sound: if we mean only to substitute partiality for partiality, and are struggling but for its extent, one man's whim may be as good as another's conceit, and we have nothing certain to direct us; and if inequality is still to subsist, the advocates of the present system will have the sanction of time and the risk of changes, to oppose to us, which will have their weight, when it is but for a change of partiality that we contend.

"I have thought that a *Parliamentary Reform* had much more simple and unerring guides to lead us to our end; I mean the *true principles of the Constitution*, and the *Rights of the People*. If these exist, I do not consider myself at liberty to speculate upon system. I have no choice, but to give to every man his own.

"How far it is wise for those who entirely agree in principle upon the *Rights of Men*, to endeavour to persuade them, that the *recovery of their birth-rights, and most essential interests*, "are not reducible to practice, nor attainable by any regular or constitutional efforts of theirs," is what I must leave others to determine. But the truth of this assertion is what I can never subscribe to. I cannot but think that this nation ever has it in its own power, by *peaceful and constitutional efforts*, to do *itself justice*; and that nothing can render attempts for this purpose impracticable, but either a *general indolence and indifference to all that requires exertion* though for the *noblest purposes*, or prejudice to favourite systems, as shall divide the people.

"To

" To guard against such an imputation falling on me, I most readily agree to an address in the most general terms, not pointing to any specific mode of reform in the petition, or by instructions to our members, or by resolutions, but submitting the remedy, as in my opinion it ought to be, in the first instance, to Parliament itself; which I conceive to be as equal to such a consideration as any Provincial Committee.

" Should Mr. WYVIL's first or second plan be proposed in Parliament, or any thing like it, although I shall lament that we, for a moment, quit our advantageous ground of the *Constitution*, and the *Rights of Man*, yet I shall certainly give every support in my power to this or any other amendment, and it certainly will be a considerable improvement, that instead of a forty-second, it should be a thirty-sixth or thirtieth part that shall decide the concerns of the whole people. It will be something material they will have gained, and may become a step to the more easy attainment of their privileges.

" I must sincerely hope that that plan may be found attainable; but I never can consent to tell the people, and I hope to God they never will believe, that the recovery of any right, which Nature and the *Constitution* have given them, is impracticable. On the contrary, convinced myself, I wish them ever to believe, that whenever they please to claim, they *will* and *must* have the *full extent of their Rights*.

" I have thought necessary to say thus much on an impression I cannot think indifferent the public should entertain.

" The measure, for which you are assembled, meets with my hearty concurrence, and I shall be happy if these my sentiments, which I beg you would communicate to the meeting of the county of Sussex, should meet with their approbation.

" It is with the highest esteem and regard,

" that I have the honour to be, SIR,

" Your most obedient, and humble servant,

" RICHMOND, &c.

" To Wm. Frankland, esq. High

" Sheriff of the county of Sussex."

ANECDOTE of JOHN,
THE GREAT
DUKE OF ARGYLE.

Captain Hull, of the horse-grenadiers, waiting one morning on the Duke, about business, was shewn into a large room, where he found his Grace walking about, pensively, and so lost in thought, that at first he took no notice of Hull; but soon after, turning his eyes that way, apologized for not seeing him sooner; on which Captain Hull answered, "He feared he had interrupted his Grace's thoughts about something of more consequence than his business." (for the Duke was a real patriot, virtuous, wise, and valiant) "Not to you and me, Hull," says the Duke, "however, I'll tell you what I was thinking of; I was considering what will be the consequence, fifty years hence, of the bad education of six parts out of seven of our young nobility. They are brought up with a little superficial learning, introduced early into company, pleasure, and dissipation of all sorts; then sent to travel before they know any thing of their own country, or mankind, and the part they ought to act as men; abroad they are flattered, duped, and laughed at, and return home corrupted both in head and heart. While they are thus employed, all the useful sense, learning, and knowledge, will be possessed by the middling class of people, who must of course despise a luxurious, idle, gaming nobility. And as time and accidents will widen the breach between them (unless Providence graciously interferes) confusion in the end must follow: for the idlers will be for arbitrary power, that they may act the tyrant over their inferiors; not considering, by this step they are slaves themselves, and have given up the greatest blessings in life. But the men of learning and Science will lift under Liberty, knowing men are by Nature equal, and that all power is delegated from the people for their protection and security; and from hence convulsions may arise, which scarce you or I will live to see."

—*Vide* The Weekly Miscellany for Feb. 8, 1779.

The following copy of his commitment is here printed, in order to convince the public, that he has been guilty of no other crime than what is there alledged against him.

“ Middlesex to wit. To the Keeper of New Prison at Clerkenwell.

“ Receive into your custody the body of Thomas Spence, herewith sent you, brought before me, Sir Sampson Wright, Knt. one of his Majesty's Justices of the Peace in and for the said county, by Robert Berresford, Constable, and charged before me the said Justice, upon the oath of John Delafontaine and the said Robert Berresford, for publishing and selling, at Chancery-lane, in the said county of Middlesex, a certain seditious book or pamphlet called “ Rights of Man, part the second, containing Principle and Practice, by Thomas Paine,” tending to inflame the minds of his Majesty's subjects, and create disturbances, against the peace, &c. Him therefore safely keep in your said custody for want of sureties, or until he shall be discharged by due course of law, and for so doing this shall be your sufficient warrant. Given under my hand and seal this 10th day of December, 1792.

“ SAMPSON WRIGHT.

(True copy)

“ Thomas Roberts, Clerk Mr.
Samuel Newport, keeper



A subscription being opened for the Defence of the poor Man whose Case is described in this Pamphlet, any persons willing to contribute for the purpose, will please to pay their subscriptions to Mr. Hamilton, Bookseller, near Gray's Inn Gate, Holborn, where a book for the purpose lays open.

T H E E N D